

## **Criminal History Records Working Group Meeting**

Date of Meeting: October 24, 2013

### **Members Present:**

**Quorum not present**

Chairman Major James Eickhoff, Wyandotte County Sheriff's Office  
Kelly McPherron – KBI General Counsel  
Leslie Moore, KBI – Information Services Division Director  
Melanie Waters, Office of Judicial Administration  
Captain Shane Hoobler, Shawnee County Sheriff's Office  
Tammy Sisk, KBI – Records Manager  
Tina Ortega – KBI (proxy for Lisa Parrish, KBI – Identification Manager)

### *Phone Attendees*

Amy Spitler, Hutchinson Municipal Court  
Arlene Frederiksen, Salina Police Department  
Sheila Wacker, Johnson County Sheriff's Office

### **Additional Attendees:**

Rebecca Spielman, Shawnee County Sheriff's Office  
Sheri Sharp, KBI – Records Field Support Trainer

### *Phone Attendees*

Patrick Vogelsberg, KCDA  
Trevor Scoggins, Analysts International Corporation (AIC)  
Steve Sutton, AIC  
Jan Kullhem, AIC

### **Members Absent:**

Barry Wilkerson, Riley County Attorney's Office  
Dave Dunstan, Saline County Sheriff's Office  
Jerry Bauer, Kansas Department of Corrections  
Mark Bennett, Sedgwick County District Attorney's Office  
Randy Bowman, Juvenile Justice Authority  
KACP representative, not yet nominated  
KACP representative, not yet nominated  
Municipal Court Judge, not yet nominated  
Municipal Prosecutor, not yet nominated  
Sentencing Commission, not yet nominated

The meeting began at 1:32 pm.

### **Prior meeting notes**

Meeting notes were voted to be approved; however, we did not have a quorum so this vote will have to be retaken at the next meeting.

### **Updates from prior meeting**

There were no updates from the prior meeting.

### **Electronic disposition form demo**

Steve Sutton and Trevor Scoggins provided a demonstration of the new electronic disposition form that prosecutors and courts will have available through the KCJIS web portal beginning July 1, 2014. Steve and Trevor also emphasized new data elements that are not collected on the current paper form. Some of the new fields include BAC level, refusal of breathalyzer test flag, waiver of counsel flag, attorney name field, and lifetime post-release supervision flag. The demo lasted 45 minutes.

### **City Licensing**

Arlene Frederiksen explained that the Salina PD is using the KCJIS web portal to do record checks for city licensing on security guards. Arlene said she heard this was not the correct way to do the record checks so she wanted to know the correct process.

Leslie Moore told Arlene that there was a Kansas Administrative Regulation (KAR) that speaks to these types of record checks. The KBI requires a city to send a copy of the city ordinance or county resolution so the KBI has proof that the record checks are required. Once the ordinance or resolution is provided to the KBI then the city or county can mail or fax their requests directly to the KBI. The KBI then processes those record checks for free. Leslie went on to explain that if there is no ordinance or resolution then the record checks must be paid for and the clerks are referred to the public website to conduct the record check.

Tammy Sisk asked Arlene if the ordinance in Salina requires security guards to be fingerprinted. Arlene said it only requires a name search.

The KAR will be attached at the end of the notes.

### **NICS Requests**

In the August meeting Leslie Moore told the group that the KBI had been overwhelmed with requests from the FBI regarding wanting additional information for gun background checks. Leslie asked if requests that did not pertain to information in a criminal history record could be directed to the local agency. Leslie suggested typing a draft letter to take to the next user group to discuss further.

Leslie provided a letter to the group to discuss and vote to send out; however, no vote could be taken because a quorum was not present at the meeting.

Captain Shane Hoobler asked where the requests would go if they were not going to the KBI. Leslie explained that currently, when the KBI forwards on requests, they are sent to the records clerk at the law enforcement agency or prosecutor's office, or the court clerk. Shane suggested a letter to go out to all the local agencies to explain to them what was going to change and what they needed to provide to the FBI. Leslie agreed that a letter would be a good idea. Leslie will create another letter and bring it to the next meeting. Melanie Waters suggested that a copy of the letter go to OJA to send to the courts. Melanie also suggested that the request for NICS go to the court service officer rather than the court clerk.

**RAPID Update**

Leslie Moore explained the IEPD was released to the courts that have requested the information so their courts can begin to program for electronic disposition reporting. This version will allow their system to submit batches of dispositions daily directly into the criminal history records.

KBI and some local groups are assisting with testing of the new KCJIS web portal. Leslie explained there will be a new layout of the KCJIS web portal showing all the search screens on the front page. The information pages will be no farther than 3 clicks down. The new KCJIS web portal will have new search screens and algorithms, subscription notification screens, and summary rapsheets and driving records for court. The subscription and notification screens will allow a user to "subscribe" to a record or series of records. When any kind of changes occur to those records then the user is notified that the change occurred and shows them the change.

**Chairperson nominations and vote**

Major James Eickhoff was nominated and seconded to remain as Chairman for another year. No other nominations were received.

No vote could be taken because a quorum was not present at the meeting. A quorum is 11 people, 10 people were in attendance.

Chairman Eickhoff suggested that Leslie send out an email for a vote for both the Chairman position and the NICS letter. The people in attendance thought that was a suitable suggestion. Leslie agreed to do both.

The next meeting will be January 16th at 1:30pm at KBI Headquarters. The meeting room will be determined at a later date and sent in the meeting reminder.

If you have any ideas for agenda items for the next meeting please email James Eickhoff at [JEickhoff@wycosheriff.org](mailto:JEickhoff@wycosheriff.org).

The meeting ended at 2:37pm.

KBI Kansas Administrative Regulation 10-12-1 for discussion regarding city licensing in the working group minutes.

## **Article 12.—DISSEMINATION**

**10-12-1. Dissemination of conviction records.** (a) Except as provided in subsection (c), the KBI shall be the sole agency releasing criminal history record information from the Kansas central repository for non-criminal justice purposes. Upon request by any individual, the KBI may, at its discretion, release conviction information from the central repository. Each request for conviction information shall include the name, sex, and date of birth of the individual in question and shall be accompanied by a fee as prescribed by the director of the KBI.

(b) Upon a request by a non-criminal justice agency or an individual, a criminal justice agency other than the KBI may provide any conviction information originated by that criminal justice agency. Each request for a conviction record shall include as part of the request the name, sex, and date of birth of the individual in question.

(c) A criminal justice agency may obtain conviction information from the KBI for a non-criminal justice purpose only if required under a municipal ordinance or county resolution for governmental licensing or certification purposes.

(Authorized by K.S.A. 22-4704; implementing K.S.A. 22-4707; effective, E-81-31, Oct. 8, 1980; effective May 1, 1981; amended April 19, 2002.)